

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

**DEFENDANT’S ASSENTED-TO MOTION FOR LEAVE TO FILE
A REPLY MEMORANDUM IN SUPPORT OF ITS MOTION FOR
JUDGMENT ON THE PLEADINGS ON COUNTS IV AND VI**

Pursuant to Local Rule 7.1(b)(3), Defendant President and Fellows of Harvard College (“Harvard”) respectfully seeks leave of the Court to submit a reply memorandum in support of its Motion for Judgment on the Pleadings on Counts IV and VI (Dkt. 185). Pursuant to Local Rule 7.1(a)(2), SFFA has stipulated that it assents to this motion. *See* Dkt. 196.

A reply memorandum is warranted because in its Opposition (Dkt. 202), Plaintiff Students for Fair Admissions, Inc. (“SFFA”) makes several assertions of law that require a response. First, SFFA mischaracterizes the law regarding the Court’s ability to grant a motion for judgment on the pleadings directed to certain counts of the complaint. Second, SFFA mischaracterizes the relevant Supreme Court opinions as they relate to its claims in Count IV. Third, in its effort to avoid judgment on Count VI, SFFA makes wide-ranging new arguments regarding the scope of injunctive relief that it seeks and the discovery to which it is allegedly entitled.

WHEREFORE, Harvard respectfully requests that the Court grant its motion for leave to file a reply in support of its Motion for Judgment on the Pleadings on Counts IV and VI.

Respectfully submitted,

/s/ Seth P. Waxman

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Dated: November 3, 2016

*Counsel for Defendant President and
Fellows of Harvard College*

LOCAL RULE 7.1 CERTIFICATION

Counsel for Harvard hereby certifies that SFFA assented to this motion by stipulation.
See Dkt. 196.

/s/ Seth P. Waxman
Seth P. Waxman

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Seth P. Waxman
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